

# EXHIBIT

# A

**Sperl, Andrew R.**

---

**From:** Esshaki, Gene J. <gjesshaki@abbottnicholson.com>  
**Sent:** Wednesday, March 02, 2016 2:46 PM  
**To:** Sperl, Andrew R.; Hemlock, Adam; Steve Williams; Munkittrick, David A.  
**Cc:** jonc@cuneolaw.com; dbarrett@barrettlawgroup.com; BHerrington@barrettlawgroup.com; sraiter@larsonking.com; tasen@cuneolaw.com; ahart@larsonking.com; Vicky@cuneolaw.com; Parks, J. Manly; Trager, Lara; ronnie@hbsslaw.com; Fitzmaurice, David; klein@butzel.com; kpn@fmcclaw.com; timothy.fraser@myfloridalegal.com; evelyn.li@cuneolaw.com; Joseph Ashby; Shon Morgan; Richard Kruger; 'Savrin, Daniel S.'; 'Bruhn, Nathaniel Phillips'; Jessica Avery; Kingsley, Meredith Jones; Susan Peck; Kass, Colin; dfenske@jenner.com; Ciolino Dawn L.; Abeles, Scott M.; Ciolino Dawn L.  
**Subject:** RE: OEM Motion to Compel

Dear All;

I want to address with you the procedures I will be following with respect to the currently pending Motion to Compel addressed to the OEMs and others.

As I indicated in my last email, Judge Battani has requested that as to all future motions, I initially conduct a mediation to attempt to resolve disputed issues, followed by a formal Motion hearing with her Court Reporter in attendance to create a record for her possible future reference.

As to the Motion to Compel, I have extended the Reply deadline until March 11<sup>th</sup>. At that time, the motion will be at issue. I intend to conduct a mediation session running from 9:30 AM until 12:30 PM in Judge Battani's Courtroom, followed by Motion Hearings from 1:30 PM until we conclude, hopefully by 4:30 PM.

I have arranged for the courtroom to be available to us on either 3-23,24 or 25. Dawn is contacting the court reporter to determine if he is available on those dates. If he is, I will select one and advise all.

I am not going to deny the Motion based upon the alleged failure to meet and confer. I understand the importance of this Rule, but in practice it only serves to kick the can down the road. We will consider the mediation session as out meet and confer under the Local Rule.

Please confer among yourselves and let me know if you have any preference as to the three dates. I will try to accommodate your choice, assuming it fits with the Reporter.

Finally, I must again ask that you come prepared to address how my billings will be handled on this Motion. As you know, I already have a file drawer full of materials and the replies will only expand that. Mr. Williams has indicated he will accept responsibility for the plaintiffs on this. I need to know who will be accepting on behalf of the opposing parties.

If you have any questions, please let me know with copies to all concerned. Can someone also confirm that I have included all counsel in the address bar above? Thanks,

**Gene J. Esshaki**



Abbott, Nicholson, Quilter, Esshaki & Youngblood, P.C.

300 River Place, Suite 3000

Detroit, MI 48207-4225

TEL: 313.566.2500

FAX: 313.566.2502

[www.abbottnicholson.com](http://www.abbottnicholson.com)

INFORMATION CONTAINED IN THIS E-MAIL TRANSMISSION IS ATTORNEY-CLIENT COMMUNICATIONS AND IS PRIVILEGED AND CONFIDENTIAL. **THE PRIVILEGE MAY BE LOST IF YOU FORWARD OR DISCLOSE IT TO THIRD PARTIES.** PLEASE EXERCISE DUE CARE. IF YOU ARE NOT THE INTENDED RECIPIENT, DO NOT READ, DISTRIBUTE OR REPRODUCE THIS TRANSMISSION (INCLUDING ANY ATTACHMENTS). IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER BY E-MAIL REPLY. WHEN IN DOUBT, PLEASE CONTACT ME.

We are not authorized to enter into any binding agreement on behalf of any of our clients. If this communication contains any settlement proposal, it is for discussion purposes only and does not constitute an offer on behalf of us or any of our clients, and cannot create a contract or legally binding agreement. Any settlement of any matter requires the signature of an authorized representative of our client (other than Abbott Nicholson, P.C.) on final definitive documents which have been approved in accordance with our client's procedures.

---

**From:** Sperl, Andrew R. [mailto:ARSperl@duanemorris.com]

**Sent:** Tuesday, March 01, 2016 4:19 PM

**To:** Esshaki, Gene J.; Hemlock, Adam; Steve Williams; Munkittrick, David A.

**Cc:** jonc@cuneolaw.com; dbarrett@barrettlawgroup.com; BHerrington@barrettlawgroup.com; sraiter@larsonking.com; tasan@cuneolaw.com; ahart@larsonking.com; Vicky@cuneolaw.com; Parks, J. Manly; Trager, Lara; ronnie@hbsslaw.com; Fitzmaurice, David; klein@butzel.com; kpn@fmcclaw.com; timothy.fraser@myfloridalegal.com; evelyn.li@cuneolaw.com; Joseph Ashby; Shon Morgan; Richard Kruger; 'Savrin, Daniel S.'; 'Bruhn, Nathaniel Phillips'; Jessica Avery; Kingsley, Meredith Jones; Susan Peck; Kass, Colin; dfenske@jenner.com; Ciolino Dawn L.; Abeles, Scott M.

**Subject:** RE: OEM Motion to Compel

Dear Special Master Esshaki,

Could you confirm that the March 11 deadline applies to replies filed by any of the serving parties, including plaintiffs?

Thank you.

Andrew Sperl

Counsel for Truck and Equipment Dealers



---

**From:** Esshaki, Gene J. [<mailto:gjesshaki@abbottnicholson.com>]  
**Sent:** Tuesday, March 01, 2016 11:45 AM  
**To:** Hemlock, Adam; Steve Williams; Munkittrick, David A.  
**Cc:** [jonc@cuneolaw.com](mailto:jonc@cuneolaw.com); [dbarrett@barrettlawgroup.com](mailto:dbarrett@barrettlawgroup.com); [BHerrington@barrettlawgroup.com](mailto:BHerrington@barrettlawgroup.com); [sraiter@larsonking.com](mailto:sraiter@larsonking.com); [tasen@cuneolaw.com](mailto:tasen@cuneolaw.com); [ahart@larsonking.com](mailto:ahart@larsonking.com); [Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com); Parks, J. Manly; Sperl, Andrew R.; Trager, Lara; [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); Fitzmaurice, David; [klein@butzel.com](mailto:klein@butzel.com); [kpn@fmcclaw.com](mailto:kpn@fmcclaw.com); [timothy.fraser@myfloridalegal.com](mailto:timothy.fraser@myfloridalegal.com); [evelyn.li@cuneolaw.com](mailto:evelyn.li@cuneolaw.com); Joseph Ashby; Shon Morgan; Richard Kruger; 'Savrin, Daniel S.'; 'Bruhn, Nathaniel Phillips'; Jessica Avery; Kingsley, Meredith Jones; Susan Peck; Kass, Colin; [dfenske@jenner.com](mailto:dfenske@jenner.com); Ciolino Dawn L.; Abeles, Scott M.  
**Subject:** RE: OEM Motion to Compel

You may file on March 11. Thank you and all other counsel for the cooperation.

Gene J. Esshaki

Abbott, Nicholson, Quilter, Esshaki & Youngblood, P.C.  
300 River Place, Suite 3000  
Detroit, MI 48207-4225  
TEL: 313.566.2500  
FAX: 313.566.2502  
[www.abbottnicholson.com](http://www.abbottnicholson.com)

INFORMATION CONTAINED IN THIS E-MAIL TRANSMISSION IS ATTORNEY-CLIENT COMMUNICATIONS AND IS PRIVILEGED AND CONFIDENTIAL. THE PRIVILEGE MAY BE LOST IF YOU FORWARD OR DISCLOSE IT TO THIRD PARTIES. PLEASE EXERCISE DUE CARE. IF YOU ARE NOT THE INTENDED RECIPIENT, DO NOT READ, DISTRIBUTE OR REPRODUCE THIS TRANSMISSION (INCLUDING ANY ATTACHMENTS). IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER BY E-MAIL REPLY. WHEN IN DOUBT, PLEASE CONTACT ME.

We are not authorized to enter into any binding agreement on behalf of any of our clients. If this communication contains any settlement proposal, it is for discussion purposes only and does not constitute an offer on behalf of us or any of our clients, and cannot create a contract or legally binding agreement. Any settlement of any matter requires the signature of an authorized representative of our client (other than Abbott Nicholson, P.C.) on final definitive documents which have been approved in accordance with our client's procedures.

-----Original Message-----

From: Hemlock, Adam [<mailto:adam.hemlock@weil.com>]

Sent: Tuesday, March 01, 2016 11:29 AM

To: Esshaki, Gene J.; Steve Williams; Munkittrick, David A.

Cc: [jonc@cuneolaw.com](mailto:jonc@cuneolaw.com); [dbarrett@barrettlawgroup.com](mailto:dbarrett@barrettlawgroup.com); [BHerrington@barrettlawgroup.com](mailto:BHerrington@barrettlawgroup.com); [sraiter@larsonking.com](mailto:sraiter@larsonking.com); [tasen@cuneolaw.com](mailto:tasen@cuneolaw.com); [ahart@larsonking.com](mailto:ahart@larsonking.com); [Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com); [JMParks@duanemorris.com](mailto:JMParks@duanemorris.com); [ARSperl@duanemorris.com](mailto:ARSperl@duanemorris.com); Trager, Lara; [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); Fitzmaurice, David; [klein@butzel.com](mailto:klein@butzel.com); [kpn@fmcolaw.com](mailto:kpn@fmcolaw.com); [timothy.fraser@myfloridalegal.com](mailto:timothy.fraser@myfloridalegal.com); [evelyn.li@cuneolaw.com](mailto:evelyn.li@cuneolaw.com); Joseph Ashby; Shon Morgan; Richard Kruger; 'Savrin, Daniel S.'; 'Bruhn, Nathaniel Phillips'; Jessica Avery; Kingsley, Meredith Jones; Susan Peck; Kass, Colin; [dfenske@jenner.com](mailto:dfenske@jenner.com); Ciolino Dawn L.; Abeles, Scott M.  
Subject: OEM Motion to Compel

Dear Special Master Esshaki,

I am writing on behalf of Defendants in the Auto Parts cases to seek a one week extension, to Friday, March 11th, to file their reply brief on the Parties' Motion to Compel Discovery from Non-Party Original Equipment Manufacturers (the "Motion"). Defendants have conferred with counsel for the SSEs and have obtained their concurrence in this request. In response to the Parties' single Motion filed on January 19th, on February 19th the non-party SSEs filed 5 separate opposition briefs totaling 79 pages. In addition, numerous declarations and other exhibits were filed in connection with these briefs, including 76 exhibits filed in connection with the SSEs' joint opposition brief. By way of background, the Parties had previously agreed to the SSEs' request for a February 19th opposition deadline, constituting 10 additional days for the SSEs' opposition beyond what is provided under the rules, and requested no corresponding extension of the schedule for their reply at that time. Due to the complicated nature of the SSEs' filings, the Parties intend to file separate replies. While Defendants seek this extension with respect to their reply to the motion, Defendants have conferred with the other Parties, and the other Parties do not object to having all replies be on the proposed new schedule.

In light of the foregoing, and in consideration of the importance of the instant discovery dispute, Defendants respectfully seek from Your Honor a one week extension (from March 4th to March 11th) to file their reply.

We appreciate your consideration in this regard.

Adam Hemlock

Weil, Gotshal & Manges LLP

767 Fifth Avenue

New York, NY 10153

[adam.hemlock@weil.com](mailto:adam.hemlock@weil.com)

+1 212 310-8281 Direct

+1 347 268-6858 Mobile

+1 212 310-8007 Fax

---

The information contained in this email message is intended only for use of the individual or entity named

above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, [postmaster@weil.com](mailto:postmaster@weil.com), and destroy the original message. Thank you.

For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

Confidentiality Notice: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.